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TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Applicants : Mohamed Diab, et al.
App. No : 10/791,683
Filed : March 2, 2004
For : SIGNAL PROCESSING
APPARATUS AND METHOD
Examiner : Eric Frank Winakur
Art Unit : 3768

Confirmation No.: 2591

**CERTIFICATE OF EFS WEB
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I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

July 14, 2008

(Date)

John M. Grover, Reg. No. 42,610

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Disclaimer by Assignee

Assignee, Masimo Corporation ("Assignee"), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,067,462, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that such patent so granted on the above-identified application and U.S. Patent No. 6,067,462 are co-owned. This agreement extends to any patent granted on the above-identified application and shall be binding on Assignee, its successors, or assigns.

Assignee does not disclaim the terminal part of any patent granted on the above-identified application prior to the earlier of (i) the expiration date of the full statutory term of U.S. Patent No. 6,067,462 and (ii) the expiration date of the full statutory term of any patent issuing from the above-identified application, in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321(a), has

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all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned Patent No. 6,067,462 by virtue of the assignment recorded at Reel No. 012822, Frame No. 0200 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.


Empowerment of Attorney

Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$130 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR LLP

Dated: July 14, 2008



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